

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2008-009723

08/28/2009

HONORABLE JOHN A. BUTTRICK

CLERK OF THE COURT  
A. Marquis  
Deputy

PAULINE GILSON, et al.

GARY L HUDSON JR.

v.

JOHN KEMMERIES, et al.

SCOTT W HULBERT

STEPHEN M DICHTER  
JAMES H MARBURGER  
JOHN C MARCOLINI  
IVAN K MATHEW

MINUTE ENTRY

IN CHAMBERS:

2:23 p.m. This is the time set for an Emergency Hearing re: Plaintiffs' Motion For Temporary Restraining Order With Notice Per A.R.S. §12-1801 et seq., filed on August 27, 2009. Plaintiff Pauline Gilson (as surviving spouse and personal representative of the Estate of Robert Gilson, and on behalf of the surviving children, Heather Gilson-Carr, Sean Gilson, and Jennifer Gilson) is represented by counsel, Francis G. Fleming. Defendants Richard Michaels; Rhonda Michaels; John McAfee; Jennifer Irwin; Neil Bungard; Kate Richter; John Bitow; and Desert Gypsy, LLC are represented by counsel, Stephen M. Dichter and Erin E. Byrnes. Defendant Bombardier, Inc. is represented by counsel, James H. Marburger.

No court reporter is present.

Discussion is held/arguments are heard.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2008-009723

08/28/2009

**IT IS ORDERED** taking this matter under advisement.

Matter concludes.

**LATER:**

Earlier today, the Court took under advisement Plaintiffs' Motion For Temporary Restraining Order With Notice Per A.R.S. §12-1801 et seq., filed August 27, 2009, after telephonic oral argument. Subsequently, the Court reviewed the McAfee Defendants' Opposition, dated August 28, 2009.

The Plaintiffs' Motion is denied. In effect, Plaintiffs are requesting injunctive relief restraining a Defendant's sale of his property based primarily upon Plaintiffs' belief that should they obtain a judgment, they shall have a more difficult time executing thereon if the sale is allowed. No Arizona or federal case supports such extraordinary injunctive relief in an unliquidated tort setting. In fact, all case law supports the proposition that the Court does not have this power. See Grupo Mexicano de Desarrollo v. Alliance Bond Fund, 527 U.S. 308 (1999).<sup>1</sup>

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

---

<sup>1</sup> Plaintiffs imply that they may be entitled to this pre-judgment relief if the Defendant is about to "abscond" to a country which would not recognize an Arizona judgment. However, no authority is cited supporting this principle and no showing has been made regarding the law of Belize, the country at issue here, and its provisions regarding recognition of foreign judgments.